

BINGHAM

LEGAL INSIGHT, BUSINESS INSTITUTE.

Zachary J. Alinder  
Direct Phone: (415) 393-2226  
Direct Fax: (415) 393-2286  
zachary.alinder@bingham.com

September 28, 2007

**Via Hand Delivery**

The Hon. Martin J. Jenkins  
United States District Court  
Northern District of California  
450 Golden Gate Avenue, Courtroom 11  
San Francisco, California 94102

**Re: *Oracle Corporation, et al. v. SAP AG, et al.*, 07-CV-01658 MJJ**

Dear Judge Jenkins:

Plaintiffs Oracle Corporation, et al. and Defendants SAP AG, et al. jointly submit this letter regarding the selection of a special master for discovery matters, pursuant to the Court's Pretrial Order, dated September 25, 2007.

The parties have agreed on two alternative choices: Hon. Fern M. Smith and Hon. Charles A. Legge. The parties request that the Court select one of the two foregoing neutrals to act as special master for discovery matters in this action.

Sincerely yours,



Zachary J. Alinder

cc: Chris Hockett  
Geoff Howard  
Robert A. Mittelstaedt (via email only)  
Greg Lanier (via email only)  
Scott Cowan (via email only)  
Jane Froyd (via email only)

Boston  
Hartford  
Hong Kong  
London  
Los Angeles  
New York  
Orange County  
San Francisco  
Santa Monica  
Silicon Valley  
Tokyo  
Walnut Creek  
Washington

Bingham McCutchen LLP  
Three Embarcadero Center  
San Francisco, CA  
94111-4067

T 415.393.2000  
F 415.393.2286  
bingham.com